

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

LOCATION: MUNICIPAL BUILDING, 4303 MAIN STREET
PORT HENRY, NY 12974

DATE: FEBRUARY 13, 2017

TIME: 7:00 PM

PRESENT: Mayor Ernie Guerin, Trustees; Matt Brassard, Jim Curran, Mark Davenport, Linda Smyth, Village Clerk; Denise Daly and Treasurer; Janelle Jurkiewicz.

EXCUSED: Deputy Superintendent of Water and Streets; Daniel (Digger) Laing, Chief Water and Wastewater Operator; Carl (Chip) Perry and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: John Easter and Lohr McKinstry.

The following documents were distributed to the Board for review prior to the meeting: the February 13, 2017 Meeting Agenda, the January 9, 2017 Board Meeting minutes, the January 2017 Treasurer's Report, the PERMA Claims Experience Member Reports and the Campground Profit Report. A list of other documents distributed to the Board for review prior to the meeting is on file in the February 13, 2017 Board Meeting file located in the office of the Village Clerk. The meeting agenda was also made available to those in attendance and is posted on the Village webpage at: www.porthenrymoriah.com.

Mayor Guerin called the meeting to order at 7:02 pm and led the salute to the flag.

DEPARTMENT HEAD REPORTS

Trustee Brassard provided a verbal report on the DPW as follows:

- There have been a few equipment breakdowns and the DPW was down to one truck before this recent storm.
- The Salter on the skid steer needed to be repaired at a cost of \$1300; a new skid steer including a new Salter was obtained as an emergency purchase at a cost of \$2774 and also came with several useful attachments.
- A switch in the bob cat stopped working; the new one is \$200 and will be here Tuesday.
- The DPW did a great job during the last storm that produced approximately a foot of snow; the streets and roads were open and clear. The DPW worked until 11:30 pm on Sunday February 12th and were back into work at 5:00 am Monday morning to widen some roads.
- Champ 2000 put new tires on the Dodge, that the Village was required to pay for in advance, then was told the truck was not drivable as there was an issue; this will be looked in to further to determine what the best course of action is.
- The Village has reached its annual quota on salt; two more loads were delivered the other day. This is due to a lot of small storms this winter; the costs add up quickly.

Linda Smyth asked if the DPW has had any issues with the trees in the sidewalks on Main Street in front of the Lee House. Trustee Brassard indicated that he has not heard of any issues so far.

Trustee Brassard indicated that Mr. Perry reported a pump breakdown at the North End Pump Station. The motor mechanism on top of the pump was replaced. Trustee Brassard reported that he was not aware of any other issues at this time; both the water and wastewater treatment plants are running smoothly.

Trustee Brassard read aloud the monthly Fire Chief's Report as follows:

PHFD has responded to eleven (11) calls for 2017: (11) for January.
Avg. Response Time: 3.73 minutes; Avg. Number of Responders: 5.73.

2017 PESH Report:

(11) Calls:	41.65 Man-hours
OSHA Training:	2.00 Man-hours
Additional Training/Participation:	115.00 Man-hours
Total:	<hr/> 158.65 Man-hours

PHFD hosting Office of Fire Prevention and Control sponsored training course *Principles of Building Construction: Combustible* on February 1, 13, 15, & 20.

PHFD Application for Membership – Village Board Approval Requested:

- *Tyre Hayes*
- *William Holland*
- *Steve Martin*

The Board reviewed the applications for membership that were previously approved by the Fire Board. Trustee Brassard motioned to approve all three applicants as listed above. The motion was seconded by Trustee Davenport. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

PUBLIC COMMENT PERIOD: There were no comments from the public.

BOARD DISCUSSION/REPORTS: Trustee Brassard reported that he recently met with Nicole Allen of the Laberge Group and Town of Moriah Supervisor Tom Scozzafava with regard to the dissolution. Trustee Brassard asked Mayor Guerin if he's heard back from our attorney with regard to the status of property transfers. Mayor Guerin indicated that the paperwork will be filed by April 1, 2017.

Trustee Brassard reported that the Town plans on opening both campgrounds on May 6, 2017. They will allow people to bring their campers in during the week of April 30th through May 5th however there will be no overnight stays until the campgrounds open on May 6th. The Town will raise the Village campground rates this season to reflect what the Town rates are and they are also discussing subcontracting the pump outs.

Trustee Brassard reported that Village employees would normally accrue their vacation, personal and floating holiday time on June 1, 2017 if the Village were not dissolving. Trustee Brassard informed the Board that he doesn't feel it is fair for the employees to have to wait until January 1, 2018 before accruing their time with the Town and suggested adding the time they would normally accrue on June 1, 2017 with the last payroll in March of 2017, before the Village dissolves. If the Town chooses to pro-rate their time in January 2018, that is up to them. Trustee Brassard indicated that all of the Village employees have been told that any compensation time accrued will not transfer to the Town, only vacation, sick, personal and floating holiday time accrued will transfer. A motion was made by Trustee Curran, seconded by Trustee Smyth, to approve the accrual of all time that eligible employees would normally receive on June 1, 2017, at the end of March, 2017. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Recurring Old Business: Mayor Guerin reported that the Village received a check for \$500,000 from the NYS Department of Environmental Conservation as part of the NYS Water Quality Improvement Grant that will cover costs for the Manhole 13 Sanitary Sewer Project.

Trustee Brassard indicated that due to the recent changes that Board members have suggested regarding the proposed Zoning Law and in discussing the matter with the consultant, there is not enough time left now to make the proposed changes, hold another

public hearing and adopt the law before the Village dissolves. Trustee Curran indicated that a 60 page report is just too much.

Mayor Guerin indicated that it is upsetting that zoning will not come to fruition and that he feels badly for the people that spent so much of their time and effort on the matter; from the very start with the implementation of the Zoning Commission through the crafting of the proposed Zoning Law, however at this point, he only holds one (1) vote on the matter.

Trustee Curran indicated that if the Board had more time, perhaps it would be different. Mayor Guerin indicated that the Board has had ample time to review the proposed zoning law and suggest changes. Trustee Curran indicated to Mayor Guerin; you've been sitting on this for a long time. Trustee Smyth commented that no one should be pointing fingers.

Trustee Brassard agreed that there are some items in the proposed law that still need to be changed. Trustee Davenport commented that the proposed law is a good template for the Town to work with moving forward. Trustee Brassard informed the Board that the Town is permitted to zone specific areas of the town by law, while a Village can not and is required to zone the entire Village to some degree.

Mayor Guerin informed the Board that the current Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry is due to expire on April 15, 2017. The Moratorium has been renewed eleven (11) times since 2011 while the Village Board and volunteers from the community worked on implementing zoning in accordance with the necessary steps as outlined by law. Mayor Guerin also informed the Board that the Village has spent approximately \$50,000 to \$60,000 on the Moratorium and implementation of the proposed Zoning Law, in total. Mayor Guerin indicated that at this point, if the Town wants to extend the Moratorium after the Village dissolves, they can do so at their expense; he does not want to spend another dime of Village taxpayer funds on the matter. Trustee Brassard agreed and informed the Board that he and Nicole Allen of the Laberge Group were under the assumption that the current Moratorium expired in March of 2017 however it is not due to expire until April 15, 2017, after the Village has dissolved.

The Board agreed to not move forward with the Moratorium or proposed Zoning Law at this time. Trustee Brassard indicated that he would make the Town aware of such so that they can add the matter to their March Board meeting agenda.

Mayor Guerin indicated that it was also a moot point to discuss the list of equipment as the Town and Supervisor have made it clear that they do not want the Village to surplus anything else. Trustee Brassard indicated that according to the Town Highway Superintendent they can use all of the equipment on the list with the exception of three items.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee Davenport, to approve the January 9, 2017 Board meeting minutes. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Mayor Guerin inquired about the \$100,000 sidewalk grant that the Town has received. Trustee Brassard confirmed the matter and indicated that the grant funds are to be used in the Village and that street lights will also be replaced with a portion of the funds.

Trustee Brassard indicated that the final Village Water and Sewer billing will be done in March of 2017. Treasurer Jurkiewicz asked the Board for guidance with regard to the final billing as it is a three day process and she'd like to start setting up for it. The Board agreed to bill users for four months; from November 2016 through February 2017. Users below minimum usage of 18,000 gallons of water will be billed the minimum. Those above the minimum usage will be estimated on their average usage and meter readings will be obtained for the large water users, in all fairness to the taxpayers. The Village water and sewer bills will be mailed out at the end of March and the Town will collect the payments.

Treasurer Jurkiewicz reminded the Board of the operating deficit with regard to the Water fund and the upcoming EFC closeout. Trustee Brassard indicated that the Water fund deficit has been made clear to the Town all throughout the process.

Trustee Davenport asked the Treasurer what the current status is with regard to the cash flow issue; is the Village better or worse off than it was at this time last month? Treasurer Jurkiewicz indicated that the Village is worse off as we received a \$14,000 salt bill last week. Trustee Brassard informed the Board that Mr. Laing has indicated that the Village can get by with the salt that is currently left in stock.

Treasurer Jurkiewicz asked Trustee Brassard to please check with Supervisor Scozzafava on the status of the Village property tax re-levy check. Trustee Brassard indicated that the Supervisor informed him that we'll definitely have it by March 30, 2017 and Treasurer Jurkiewicz indicated that it wouldn't do us any good at that time.

New Business: The January 2017 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There is no Monthly Water Adjustment Report for January 2017, as no adjustments were made.

SECOND PUBLIC COMMENT PERIOD

Trustee Smyth commented that when the Village dissolves, we will all become part of the Town of Moriah and she encouraged everyone to attend the Board meetings and to hold the Town accountable.

Mayor Guerin called for further comments from the public; there were none.

A motion was made by Trustee Brassard, seconded by Trustee Davenport, to approve the January 23rd & 30th and February 6th and 13, 2017 bills for payment. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Abstract Distributions:

General \$43,487.97
Water \$7,379.12
Sewer \$2,194.38
Joint Activity \$9,226.08
Trust & Agency \$833.92
Capital \$729,683.40

As a result of dissolution, the last regular meeting of the Village of Port Henry Board of Trustees is scheduled for Monday March 13, 2017 at 7:00 pm at the Village Hall.

A motion was made by Trustee Curran, seconded by Trustee Brassard, to adjourn the Board meeting at 7:55 pm. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried

ADJOURNED

Denise C. Daly, Village Clerk